

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

CHRISTOPHER BURLESON.,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

PELHAM TRANSPORTATION
CORPORATION and THEODORE
DEJOURNETTE, JR.,

Defendants.

Case Number: 1:22-cv-00816
Collective Action

**Second Joint Motion for Extension of Time for Settlement Negotiations, Including
Mediation, and to File a Joint Status Report**

Under Rule 6 of the Federal Rules of Civil Procedure and Local Rule 6.1(a), Plaintiff and Defendants (collectively, the “Parties”) jointly move this Court for entry of an order extending the dates by which to engage in settlement negotiations, including mediation, and to file a Joint Status Report. In support of this Motion, the Parties state as follows:

1. On February 10, 2023, Judge Biggs issued an Order (ECF No. 24) granting the Parties Joint Motion for Conditional Certification and Notice to Putative Collection Action Members (ECF No. 19) and directing the Parties to engage in settlement negotiations, including mediation, in a good faith attempt to resolve this matter within sixty (60) days following the close of the opt-in period and file a Joint Status Report by no later than seventy (70) days after the close of the opt-in period;

2. On February 22, 2023, Plaintiff's counsel issued the approved Notice and Consent Form to potential Opt-In Plaintiffs;

3. On April 8, 2023, forty-five (45) days from the date Plaintiff's counsel issued the Notice and Consent Forms, the opt-in period closed;

4. The Parties scheduled mediation on May 17, 2023; however, due to an unexpected conflict, Plaintiff's counsel was unable to attend mediation on that date;

5. On May 22, 2023, the Parties filed their Joint Motion for Extension of Time for Settlement Negotiations, Including Mediation, and to File a Joint Statute Report (ECF No. 25);

6. On May 23, 2023, Judge Biggs issued an Order (ECF No. 26) granting the Parties' Joint Motion (ECF No. 25) for good cause shown and extending the time for the parties to engage in settlement negotiations, including mediation, to and including July 10, 2023, and the for the parties to file a Joint Status Report informing the Court whether the parties have reached a resolution and, if no resolution has been reached, proposing a schedule for the remainder of the litigation, to and including July 20, 2023;

7. The Parties scheduled mediation on July 10, 2023; however, Defendant Theodore DeJournette was recently diagnosed with thyroid cancer shortly after completing radiation treatment for cancer in another part of his body. Mr. DeJournette's physicians are also concerned with a spot on his lung and have scheduled appointments for him on and around July 10, 2023. Due to the severity of the cancer and given the advice of his physicians, Mr. DeJournette must attend these appointments;

8. The Parties' deadline to engage in settlement negotiations, including mediation, in a good faith attempt to resolve this matter is July 10, 2023, and the Parties' deadline to file a Joint Status Report is July 20, 2023;

9. Therefore, the time to engage in settlement negotiations, including mediation, and file a Joint Status Report has not expired;

10. The Parties are attempting to resolve this matter prior to mediation and are working to identify a new date on which mediation could be rescheduled if the Parties are granted an extension of time;

11. The Parties have not yet scheduled a new mediation date because they are unable to do so until additional information is received, ancillary to Mr. DeJournette's medical appointments;

12. The Parties request an extension of time to engage in settlement negotiations, including mediation, to and including September 8, 2023, and an extension of time to file a Joint Status Report to and including September 18, 2023; and

13. This Motion is not made for the purpose of delay and good cause exists to grant this Motion and the relief requested, which is jointly sought by the Parties.

WHEREFORE, the Parties jointly and respectfully request an extension of time to and including September 8, 2023 to engage in settlement negotiations, including mediation, and to and including September 18, 2023 to file a Joint Status Report.

A proposed order granting this relief has been submitted herewith.

Dated: July 6, 2023

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Respectfully submitted,

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date below, a copy of the foregoing Notice of Appearance was served on the parties named below in the manner indicated.

BY ELECTRONIC SERVICE VIA CM/ECF

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This the 6th day of July, 2023.

By: /s/ Shameka C. Rolla
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